



CHAPTER 30.

An Act to incorporate the Anglican Synod of the Diocese of British Columbia.

[6th April, 1889.]

WHEREAS a petition has been presented from the Bishop and the Synod of the Diocese of British Columbia, such Diocese consisting of Vancouver Island and other islands adjacent, praying that the Synod should be incorporated, and it is expedient to grant the prayer of the said petition: Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The Synod of the Diocese of British Columbia shall be, and the same is hereby, made and constituted a body politic and corporate, under the name of "The Anglican Synod of the Diocese of British Columbia," hereinafter called the Corporation. Incorporation of Anglican Synod, &c.

2. The said Corporation shall consist of the Bishop of the said Diocese and his successors, to be from time to time appointed in such manner as is or shall be provided by the said Synod, or the Provincial Synod of the Ecclesiastical Province hereafter to be formed, and of such other persons as are or may become members thereof, according to the constitution of the said Diocesan Synod, as the same exists at the time of the passing of this Act (which constitution is set forth in Schedule A of this Act), or as the said constitution may, from time to time, be altered by the said Provincial Synod, or by the said Diocesan Synod, acting with the powers vested in it by the Provincial Synod aforesaid. Members of the Synod.

3. Such Corporation shall have perpetual succession and a common seal, with power to change, alter, break, and renew the same when and so often as they shall think proper, and the said Corporation may, under the same name, contract and be contracted with, sue and be

Powers of the Synod.

May acquire, &c.,
land and other pro-
perty.

sued, implead and be impleaded with, answer and defend in all Courts and places whatsoever; and the said Corporation shall be able and capable in law, respectively, to purchase, take, hold, give, receive, enjoy, possess, and retain all messuages, lands, tenements, and immovable property, money, goods, chattels, and moveable property which have been or hereafter shall be paid, given, granted, appropriated, devised or bequeathed to it, or purchased by it, in any manner or way whatsoever, to, for, or in favour of the eleemosynary, ecclesiastical, and educational uses and purposes, within the Province of British Columbia, of the Church of England, including thereby the uses and purposes of any parish, mission, institution, school, or hospital, connected with the Church of England in British Columbia.

Power to sell, mort-
gage, and lease
lands.

Investment of
moneys on mort-
gage, &c.

4. The Corporation shall, in addition to the powers conferred upon it by the next preceding section of this Act, and subject to the provisions thereof, have power to sell, convey, exchange, alienate, mortgage, lease or demise any lands, tenements and hereditaments held by the said Corporation, whether simply by way of investment for the uses and purposes set forth in the next preceding section of this Act or not; and the Corporation may also, from time to time, invest all or any of its funds and moneys, and all or any funds and personal property which may be vested in, or acquired by, the Corporation for eleemosynary, ecclesiastical, or educational purposes aforesaid, in and upon any mortgage security of lands, tenements, and hereditaments, and in other securities in any part or parts of British Columbia; and for the purposes of such investment may take, receive, and accept a mortgage or mortgages, or any assignment or assignments thereof, whether such mortgage or assignment be made and executed directly to it in its own corporate name, or to some other corporation or body politic and corporate, or to some company or person or persons in trust for it, and shall have and enjoy the same, and as large, full and ample powers and rights of sale and foreclosure, action and suit upon and for the purpose of enforcing the covenants, stipulations, conditions, and agreements, and all matters and things contained in such mortgages, or any of them, and in as ample a manner, as if it were a private person able and capable in law; and furthermore may sell, grant, assign and transfer such mortgages, or any of them, to any person, company or body capable of receiving any assignment thereof, and may release and discharge such mortgages, or any of them, either wholly or partly.

Power to make
road allowances.

5. The said Corporation shall, in the case of land held by it, be able to set apart a portion of such land for the purpose of making a road, or to make a free grant of a portion not exceeding one acre in extent for the purpose of a school, hospital, or other necessary public object.

6. It shall be lawful for the Corporation of the Bishop of British Columbia, or any other corporation, or any person or persons, to transfer any property, real or personal, held in trust by him or them for the aforesaid eleemosynary, ecclesiastical, or educational uses of the Church of England, or the Church of England in British Columbia, to the said Corporation, to be held in trust for the same purposes.

Bishop of B. C. may convey trust properties to the Synod.

7. The said Corporation may exercise all its power by and through the executive committee as established by the constitution aforesaid, or such other boards or committees as the said Corporation may from time to time appoint by resolution for the management of all or any of the affairs or property of the said Corporation, but in accordance only with the trusts relating to any property to which any special trust is attached; the said Synod may also appoint a treasurer or treasurers, and make such regulations for the management and administration of its property as it shall see fit. The Corporation shall also have the right of appointing any officer or other needful agent or agents for the management of its affairs, and shall have all other rights necessarily incident to a body corporate.

How powers of the Synod are to be exercised.

Appointment of officers.

8. The terms "the Church of England," or "the Church of England in British Columbia," in all deeds, instruments and documents that have been heretofore, or that may hereafter be, executed, dealing with real or personal property within the Province of British Columbia, shall mean, unless a different construction is gathered from the deeds, instruments or documents, that portion of the Church of England within the Province of British Columbia.

Interpretation.

9. Any conveyance of real estate, or any interest therein, vested in the Corporation shall be deemed to be duly executed for that purpose if the same has affixed thereto the seal of the Corporation, verified by the signatures of the Bishop for the time being of the Diocese of British Columbia, or his commissary duly appointed, and the secretary of the aforesaid executive committee; and a discharge of a mortgage, if executed in the same way, shall be deemed to be properly and effectively executed.

Execution by Synod of deeds granting lands.

10. In all Acts of the Legislature of this Province heretofore passed relating in any way to the Church of England, or to any of the ecclesiastical or educational institutions in any way connected herewith, and in all deeds, documents, and other writings heretofore executed where reference is made to the Diocesan Synod of British Columbia, either in direct terms or by implication, or to any officers or committees thereof, the same shall hereafter be construed as if the Corporation hereby incorporated, and the committees and officers thereof, were the body and the committee and officers referred to in

Construction of this Act with other Acts referring to the Church of England.

such Act, deed, document or writings, instead of such Synod, committees and officers.

As to execution of
deeds of land by the
Bishop of B. C.

11. Any conveyance of real estate, or any interest therein, vested in the Corporation of the Bishop of British Columbia, shall hereafter be deemed to be duly executed for that purpose, if the same has affixed thereto the seal of the Corporation of the Bishop of British Columbia, verified by the signature of the Bishop for the time being of the Diocese of British Columbia, or his commissary duly appointed, and in charge of a mortgage, if executed in the same way, shall be deemed to be properly and effectually executed.

Repeal of inconsis-
tent Acts.

12. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Mortmain Acts do
not apply.

13. Nothing in this or any other Act contained shall be construed as implying that the Imperial Statute 9 George the Second, cap. 36, has any force or effect in British Columbia.

SCHEDULE A.

CONSTITUTION OF THE SYNOD.

I.

The Synod shall consist of the Bishop of the Diocese, the clergy duly licensed by the Bishop, and of lay representatives to be duly elected as hereinafter provided.

II.

The lay representatives shall be male communicants of at least one year's standing, and of the age of twenty-one years and upwards. They shall present to the Secretary of the Synod a certificate of their election, signed by the Chairman of the meeting at which they were appointed, according to the following form :

"I hereby certify that at a meeting of the electors of
Church (or District) held on the _____ day of _____, the
following persons, communicants of the church, were duly elected as
lay representatives in Synod, and that there are entered on the roll of
electors _____ persons entitled to vote at this election.

"Dated the _____ day of _____ .

"Chairman."

And that the Chairman shall also forward to the Clerical Secretary of the Synod, immediately after the election, a certificate of election in the same form.

III.

The lay representatives shall be elected every three years at a meeting to be summoned by the Minister in charge, or in case the church be vacant, or the Minister be absent or unable or refuse to summon such meeting, then by the Churchwardens or either of them; and such meeting shall be held in each parish or mission in Easter week, or within twenty-one days thereafter, and the representatives shall continue in office until others are elected: Provided, nevertheless, that if no election be held within the time aforesaid, then it shall be lawful for five qualified electors to call such meeting at such time and place as they think proper.

IV.

In case of a vacancy occurring in the representation of any parish or mission, by death, resignation, or refusal to act, and if any lay representative, elected as aforesaid, shall decline to serve as such, or shall at any time resign his office, signifying the same in writing to the Incumbent, or shall remove from the diocese, the said office shall in any such case become vacant, and the Incumbent or other person or persons, as in the previous article provided for, shall proceed to call a new election; moreover, should any lay representative secede from the Church, or wilfully abstain from the Holy Communion for the space of one whole year, or wilfully absent himself from public worship for a space of six months, or should he be convicted of any crime, he shall thereupon forfeit his said office, and the Incumbent or Minister of the parish or mission for which he was a lay representative shall in like manner proceed to call a new election, as in the previous article is provided for.

V.

The Minister shall preside at every such meeting, but if he be unable or refuse to preside, or if there be no Minister, the electors may appoint a Chairman and proceed to the election.

VI.

Public notice of every such meeting, whether ordinary or special, shall be given on two Sundays immediately preceding such meeting, and by notice affixed to the door of each church at least ten days before the day of such meeting, or by either of such modes, specifying the time and place of meeting.

VII.

All male persons of the age of twenty-one years and upwards, being accustomed members of that church within the district for which the election is held, shall be entitled to vote for lay representatives, pro-

vided that before any person shall be entitled to vote he shall make and subscribe the following declaration :

"I, A. B., declare that I am a member of the Church of England, or Anglican Church, in British Columbia, and belong to no other religious denomination ; and I am an accustomed member of the congregation of
Church."

VIII.

Every parish or mission in future shall be entitled to elect two representatives, but when the number of electors in a church or district shall exceed twenty they shall be entitled to elect four representatives, and when the number of electors shall exceed fifty, they shall be entitled to elect six representatives ; and the Chairman of the meeting at which they are elected shall certify the number of electors on the electoral roll of such church or district, and that the said church or district is entitled to elect two or more representatives, as the case may be.

IX.

The quorum for the transaction of any business in the Synod shall consist of not less than one-fourth of the whole number of qualified Clergymen of the Diocese and a like proportion of lay representatives, whose election shall have been certified to by the Secretary of the Synod, but any less number shall have power to adjourn from day to day until a quorum can be obtained.

X.

All questions before the said Synod shall, in the first instance, be determined by a vote of the majority of the members of the Synod present, but the Bishop, or any two members of the Synod, may, after such vote shall have been taken, require the vote to be retaken by orders, in which case such vote shall be retaken by orders ; and the concurrence of the Bishop and a majority of the Clergy, and of a majority of the Laity, shall be essential to give validity to any act or resolution upon which such vote shall have been taken.

XI.

The Synod shall meet once in every two years, or oftener if required on a summons from the Bishop of the Diocese, and at such time and place as the Synod shall direct.

XII.

The Bishop may, or in case of his absence or of a vacancy in the See, the Dean, or in his absence or non-compliance, the Senior Archdeacon, or in his absence or non-compliance, the Archdeacon next in

seniority, or if there be no Archdeacon, then the Bishop's Commissary at the time such vacancy or absence shall occur, or if there be no such Commissary, then any three Clergymen, being members of the Synod, shall, on written requisition from three clerical and five lay members of the Synod, call a special meeting on any occasion, at such time or place as he or they, in summoning such meeting, shall direct; and six weeks' notice of the time and place of meeting shall be issued to all persons entitled to a seat thereat, by the Secretary of the Synod, or, in case of his absence, or if the office be vacant, by some person appointed for that purpose by the persons summoning the Synod.

XIII.

Notice of all meetings of the Synod shall be given by the Secretary of the Synod, in writing, to the persons entitled to a seat thereat. A notice, duly addressed and placed in the post office, shall be sufficient advice.

XIV.

When the Bishop is present he shall preside at all meetings of the Synod, and when he is not present his Commissary specially authorized shall preside; and if the Bishop has not appointed a Commissary, then the Senior Dignitary or Clergyman of the Diocese present shall preside.

XV.

A Secretary shall be chosen by the Laity and one by the Clergy, on the first day of each annual meeting of the Synod, and they shall remain in office during the pleasure of the Synod. It shall be their duty to keep regular minutes of all proceedings of the Synod, and record them in a book provided for that purpose, to preserve all records and papers and other documents, and faithfully to deliver into the hands of their successors all property, books, and papers relating to the concerns of the Synod which may be in their possession.

XVI.

Any proposition for the alteration of this constitution, or of any other of the canons, shall be sent to the Executive Committee, and by them laid before the Synod to be considered at the ensuing meeting, and, if approved by the Bishop and a majority of the members of the Synod, shall lie over to the next meeting of the Synod, and if again approved by the Bishop and a majority consisting of two-thirds of each of the two orders of the Clergy and Laity, it shall be confirmed.

VICTORIA, B. C. :

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